

DTIC
ELECTE
OCT 05 1993ASD(ISA)
695-6386

②

March 3, 1972
NUMBER 2000.11

ASD(ISA)

Department of Defense Directive

SUBJECT Procedures for Handling Requests for Political Asylum
and Temporary Refuge

- Refs: (a) Department of State Regulation, "Requests by Foreign Nationals for Political Asylum," January 4, 1972
(b) Relevant portions of the Protocol Relating to the Status of Refugees (T.I.A.S. 6577), "which incorporates by Reference the substantive articles of the 1951 Convention Relating to the Status of Refugees"

I. PURPOSE AND APPLICABILITY

- A. This Directive implements the provisions of references (a) and (b) within the Department of Defense. It establishes uniform policies and procedures and assigns responsibilities for handling requests by foreign nationals for political asylum in the United States or for temporary refuge.
- B. The provisions of this Directive apply to all DOD Components (Military Departments, Defense Agencies having field activities within the territorial jurisdiction of a foreign nation, Unified and Specified Commands).
- C. Its provisions do not modify the special guidance referred to in enclosure 1.

II. DEFINITIONS

- A. Political Asylum. Protection and sanctuary granted by the United States Government within its territorial jurisdiction or on the high seas to a foreign national who applies for such protection because of persecution or fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

STATE
Approved for public release
Distribution: unlimited

93-22958



096

- ✓ 8. Temporary Refuge. Protection afforded for humanitarian reasons to a foreign national in a Department of Defense shore installation, facility, or military vessel within the territorial jurisdiction of a foreign nation or on the high seas, under conditions of urgency in order to secure the life or safety of that person against imminent danger, such as pursuit by a mob.

III. NATIONAL POLICY

A. Political Asylum.

1. Article 33 of the Convention Relating to the Status of Refugees, provides:

"1. No Contracting State shall expel or return a refugee in any manner whatsoever to the frontier of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

"2. The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country."

The Treaty obligation of the United States under the foregoing provision is geographically limited to its territorial jurisdiction and the high seas, and is not applicable to persons seeking political asylum at United States instrumentalities stationed or temporarily located in the territorial jurisdiction of a foreign country.

2. Foreign nationals within United States territorial jurisdiction or on the high seas who request that they be granted political asylum in the United States shall be given a full opportunity to have their requests considered on their merits.
3. It is the general policy of the United States not to grant political asylum at its units or installations within the territorial jurisdiction of a foreign country to nationals of that country or nationals of a third state. Requests made in a

Mar 3, 72
2000.11

foreign country by nationals of a third state for political asylum in the United States are normally governed by the principle that the granting of political asylum is the right and responsibility of the government of the country in whose territory the request is made. Coordination with the host government concerning such requests will be affected through the appropriate American Embassy.

- B. Temporary Refuge. It is the policy of the United States to grant temporary refuge in a foreign country to nationals of that country and nationals of a third state, and on the high seas to the nationals of any country.

IV. PROCEDURES

DOD Components will handle requests from foreign nationals for political asylum or temporary refuge as follows:

- A. In territory under exclusive United States jurisdiction (including territorial seas, the Commonwealth of Puerto Rico, possessions, and territories under United States administration) and on the high seas:

1. General

- a. An applicant for political asylum will be received in a Department of Defense facility or on board a military vessel.
- b. A person seeking political asylum will be surrendered to foreign jurisdiction only at the personal direction of the Secretary of the Military Department or the Director of the Defense Agency concerned. In addition, persons seeking political asylum should be afforded every reasonable care and protection permitted by the circumstances.

2. Reports

- a. Immediately, upon receipt of a request from a foreign national for political asylum or an indication that a request is imminent, the DOD Component concerned will report the incident through appropriate channels by the fastest available means, as follows:

in For	
CR&I	<input checked="" type="checkbox"/>
TAB	<input type="checkbox"/>
Unrecd	<input type="checkbox"/>
tion	<i>per form 2</i>
Distribution/	
Availability Codes	
Dist	Avail and/or Special
A-1	

- (1) To the Military Department concerned in accordance with ~~internal instructions~~, or
- (2) To the Assistant Secretary of Defense (International Security Affairs) in accordance with Defense Agency instructions.

- b. The Military Departments concerned, or the ASD(ISA) will take immediate necessary action to notify the Operations officer at the Operations Center of the Department of State (Telephone Area Code 202/632-1512).
- c. Telephone notification should be confirmed as soon as possible with an IMMEDIATE precedence message to the Military Department or the ASD (ISA) as appropriate, with an information copy to the Secretary of State.
- d. Subsequently, the information specified in enclosure 2 will be forwarded in accordance with procedures prescribed.

3. Processing Requests

The United States Immigration and Naturalization Service (INS), Department of Justice, has primary responsibility for processing requests for political asylum within the United States, the Commonwealth or Puerto Rico, and U.S. possessions.

- a. All requests for political asylum will be reported to the nearest field office of INS (see enclosure 3) including all details known.
- b. As soon thereafter as feasible arrangements should be made with either the field officer or the INS Headquarters, if more convenient to transfer the asylum seeker to INS.

4. Protection

The DOD Component concerned will be responsible for the protection of the asylum seeker pending his transfer to INS subject to the following:

Mar 3, 72
2000.11

- a. The primary responsibility for providing protection rests with a local State or Federal law enforcement or security agency having exclusive or concurrent jurisdiction over the place.
- b. If there is any indication of an attempt to abduct or otherwise harm the asylum seeker, an appropriate law enforcement or security agency should be requested to provide security for the individual.
- c. Interim measures will be taken to assure the safety of the individual against attempts at forcible repatriation, but no greater force will be used than necessary to protect the individual.
- b. Any inquiries from interested foreign authorities will be met by the senior official present with a response that the case has been referred to higher authorities for instruction.

In territories under foreign jurisdiction (including foreign territorial seas):

1. Temporary Refuge

a. General

- (1) The Senior official present at the DOD Component shore installation or facility or on board any military vessel may grant temporary refuge (see 11.B., above) to a foreign national, upon his request.
- (2) Temporary refuge will be terminated only when directed by higher authority through the Secretary of the Military Department or the Director of the Defense Agency concerned.
- (3) Persons whose temporary refuge is terminated will be released to the protection of the authorities designated in the message authorizing release.

b. Reporting

- (1) The official granting temporary refuge will report the circumstances (as specified in

enclosure 2) by IMMEDIATE precedence message to the Military Department concerned or, as appropriate to the Assistant Secretary of Defense, International Security Affairs in accordance with Defense Agency Instructions with an information copy to the appropriate American Embassy or Consular office.

- (2) A request by foreign authorities for return of custody of a person under the protection of temporary refuge will be reported to the Military Department concerned, or as appropriate to the Assistant Secretary of Defense, International Security Affairs in accordance with Defense Agency Instructions by IMMEDIATE precedence message (with information copy to the appropriate American Embassy) stating all of the attendant circumstances of, and authority asserted for, the request. The requesting foreign authorities will be informed that the case has been referred to higher authorities for instructions. A final decision will normally be made on a priority basis within 24 hours.

2. Political Asylum (see also V.D.4., below)

a. General

- (1) Political asylum may not be granted in any shore installation or facility of a Department of Defense Component or on board any military aircraft or vessel within the territorial jurisdiction of a foreign country.
- (2) Foreign nationals who request assistance in forwarding requests for political asylum in the United States will be advised to apply in person at the nearest American Embassy or Consulate, subject to the internal procedures published by the Chief of Mission.
- (3) Requests for political asylum received by Attache personnel and other military personnel serving under the direction of a Chief of Diplomatic Mission will be governed by the appropriate instructions applicable to the diplomatic mission.

Mar 3, 72
2000.11

- b. Reporting. The official receiving the request for assistance in obtaining asylum will report the circumstances by immediate precedence message to the Military Department concerned or, as appropriate, to the Assistant Secretary of Defense, International Security Affairs in accordance with Defense Agency instructions with an information copy to the appropriate American Embassy or Consular office. This report should include so much of the information specified in enclosure 2 as is available.
- c. Public Release. No information concerning a request for political asylum or temporary refuge will be released to the public or to the media without the prior approval of the Assistant Secretary of Defense for Public Affairs. Immediately upon making a public release or acknowledgement to representatives of the media (with such consent) the DOD Components concerned will report the information to the Operations Center of the Department of State.

V. RESPONSIBILITIES

- A. The Assistant Secretary of Defense (International Security Affairs) is assigned overall responsibility for supervision and coordination of the policies and procedures prescribed herein.
- B. The Secretaries of the Military Departments and the Directors of Defense Agencies having field activities will:
 - 1. Designate an agent to exercise staff supervision of the implementation of policies and procedures prescribed herein with respect to cases arising within their respective departments or agencies.
 - 2. Establish a point of contact and appropriate channels and procedures for the expeditious processing and disposition of requests for political asylum or temporary refuge which are made to organizational elements under their jurisdiction (except the Panama Canal, Ryukyu Islands and areas under the jurisdiction of the Unified and Specified Commands (see C. and D., below).
 - 3. Establish appropriate channels for coordination with the Department of State and the Immigration and Naturalization Service (INS), Department of Justice, concerning

the expeditious processing and disposition of individual cases arising within their areas of jurisdiction.

4. Issue implementing regulations which are consistent with the provisions of this Directive.
- C. The Secretary of the Army will develop and publish uniform DOD-wide guidance for use by personnel of the Military Departments and field offices of Defense Agencies located in the Panama Canal zone and, until reversion, the Ryukyu Islands in handling requests for political asylum and temporary refuge made by foreign nationals within these areas.
- D. Commanders of Unified and Specified Commands will:
 1. Develop, coordinate (see 4., below) and publish uniform DOD-wide guidance for use by personnel of the Military Departments and Defense Agencies with field offices located within the geographical area on handling requests for political asylum and temporary refuge made by foreign nationals within areas under U.S. exclusive jurisdiction or U.S. administration.
 2. Supervise and monitor compliance with the provisions of this Directive with respect to cases arising in foreign countries.
 3. Designate, as appropriate, a coordinating authority, with respect to policies, procedures, and guidance applicable in foreign countries.
 4. Take action to coordinate procedures and the special guidance (see enclosure 1) applicable in particular foreign countries under Section IV.8.2., or because of exceptional circumstances.

VI. REPORTING REQUIREMENTS

Record keeping and reporting requirements prescribed herein are assigned Report Control Symbol DD-ISA(AR)1161.

VII. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Two copies of implementing instructions shall be forwarded to the

Mar 3, 72
2000.11

Assistant Secretary of Defense (International Security Affairs)
within 90 Days.


Deputy Secretary of Defense

Enclosures - 3

1. Special Instructions
2. Reporting Data
3. INS Field Offices

2000.11 (Encl 1)
Mar 3, 72

Guidance not replaced by DOD Directive 2000.11

1. Chapter 10, Part IV, Volume I, DIAM 58-11, 20 Aug 1968 (S),
Subject: Defense Human Resources Intelligence Collection
Management Manual (U).
2. JOINT STATE/DEFENSE MESSAGE to AMEMBASSY, BONN, US MISSION,
BERLIN, CINCEUR, CINCUSAREUR, No. 046027, 190022Z Mar 1971 (S),
Subject: U.S. Asylum Policy (U).
3. SM-876-62, dated 7 Aug 62 (S), Subject: Policy relating to
Sino-Soviet Aircraft Landing on Airfields Where US Military
Operational Units are Based (U).
4. CNO message 201207Z Aug 1971, Subject: Fence Jumpers (U).

REPORTING DATA TO REQUESTS FOR POLITICAL ASYLUM OR
TEMPORARY REFUGE

Relay as available. Report of initial request will not be delayed pending complete development of data.

1. Name and nationality of the individual seeking asylum (or temporary refuge).
2. Date, place of birth, and occupation.
3. Description of any documentation in his possession.
4. What foreign authorities are aware of his seeking asylum (or temporary refuge); whether any foreign authorities will be notified of the request.
5. Circumstances surrounding the request for asylum (refuge).
6. Exact location. If aboard vessel or aircraft, ETA at next intended port or airport.
7. Reason for claiming asylum or temporary refuge.
8. Description of any criminal charges known or alleged to be pending against the asylum seeker. Indicate also if any piracy at sea, air piracy or hijacking background.
9. Any Communist Party affiliation or affiliation with other political party; any government office now held or previously occupied.
10. If applicable, whether a field office of the U.S. Immigration and Naturalization Service (INS) has been notified and if arrangements have been made to transfer case to INS.
11. Other pertinent information.

IMMIGRATION AND NATURALIZATION SERVICE REGIONAL AND DISTRICT AREAS

2000.11 (Encl 3)
Mar 3, 72

NORTHEAST REGION

SOUTHEAST REGION

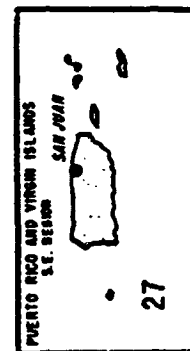
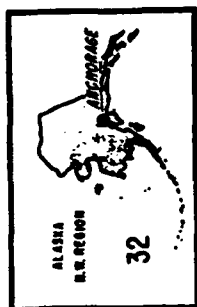
NORTHWEST REGION

SOUTHWEST REGION

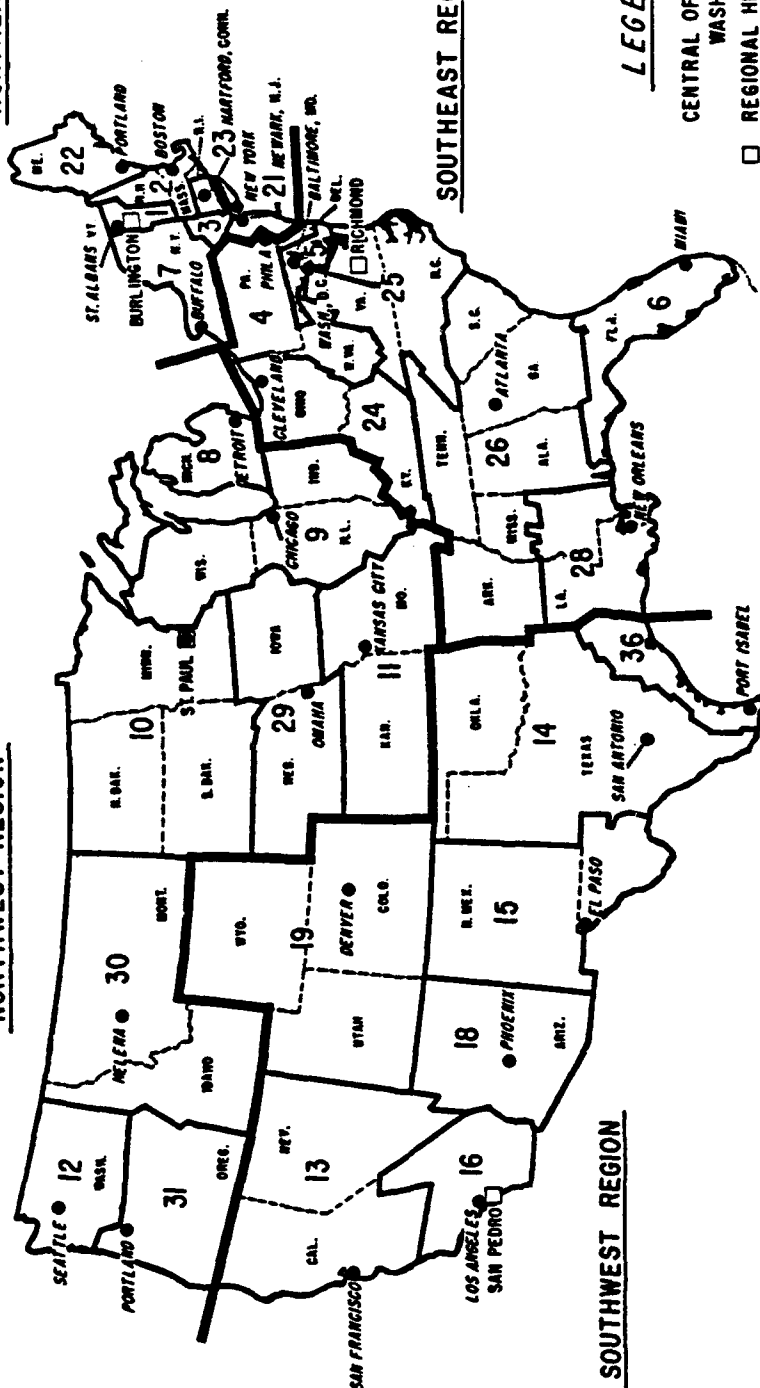
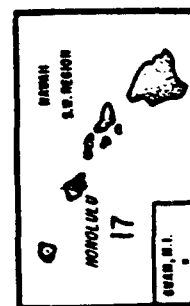
LEGEND

- CENTRAL OFFICE
WASHINGTON, D.C.
- REGIONAL HEADQUARTERS
- 2 DISTRICT HEADQUARTERS
- 2 DISTRICT NUMBER
- REGIONAL BOUNDARY LINE
- DISTRICT

M-6 (REV. 12-15-69)



- 33 MANILA, THE PHILIPPINES
- 34 FRANKFURT, GERMANY
- 35 MEXICO CITY, MEXICO
- 37 ROME, ITALY



REGIONAL AND DISTRICT OFFICE LOCATIONS

<u>Regional Offices</u>		<u>District</u>	<u>District Offices</u>	<u>District</u>	<u>District Offices</u>	<u>District</u>	<u>District Offices</u>	<u>District</u>	<u>District Offices</u>
NE Region (EUR)	Burlington, Vermont 05401 Federal Building	24 (CLZ)	Cleveland, Ohio 44199 Rm. 1917 Federal Office Building 1240 East 9th St.	2 (NYC)	New York, New York 10007 20 West Broadway	13 (SEA)	Seattle, Washington 98134 816 Airport Way, South		District Offices in Foreign Countries
NW Region (STP)	Federal Building Fort Snelling Twila Cities, Minn. 55111	19 (DEN)	Danver, Colorado 80202 17027 Federal Office Building	29 (OMA)	Omaha, Nebraska 68103 New Federal Building 315 North 17th Street	25 (WAS)	Washington, D.C. 20536 1025 Vermont Ave., N.W.		
SE Region (RIC)	Richmond, Virginia 23240 Federal Bldg., Room 6726 400 North 6th Street	8 (DET)	Detroit, Michigan 48207 333 Mc Eillion St.	4 (PHI)	Philadelphia, Pa. 19102 128 North Broad Street	34 (PRG)	Frankfurt, Germany District Director U.S. Immigration and Naturalization Service c/o American Consulate General, Box 12, APO New York, N.Y. 09767		
SW Region (SPD)	San Pedro, California 90731 Terminal Island	15 (ELP)	El Paso, Texas 79904 343 U.S. Courthouse	36 (OSB)	Port Isabel, Texas 78566 Room 3 Los Fresnos, Texas				
		23 (HAR)	Hartford, Connecticut 06101 135 High Street	22 (PCA)	Portland, Maine 04112 319 U.S. Courthouse				
		30 (HEL)	Helena, Montana 59601 Federal Building	31 (ROC)	Portland, Oregon 97205 333 U.S. Courthouse Broadway & Main Streets	33 (MAY)	Manila, Philippines District Director U.S. Immigration and Naturalization Service c/o American Embassy, APO San Francisco, California 96328		
26 (ATL)	Atlanta, Georgia 30309 Rm. 370, 1360 W. Peachtree St. N.W.	17 (RMW)	Romulus, Hawaii 96809 886 Ala Moana Boulevard	1 (STA)	S. Albans, Vermont 05478 Federal Bldg., P. O. Box 591				
5 (BAL)	Baltimore, Maryland 21201 Room 12A Federal Bldg. 31 Hopkins Plaza	11 (KAI)	Kansas City, Missouri 64108 819 U.S. Courthouse 811 Grand Avenue	10 (SPM)	S. Paul, Minnesota 55101 932 New Post Office Bldg. 190 E. Kellogg Blvd.	35 (MEX)	Mexico City, Mexico District Director U.S. Immigration and Naturalization Service c/o American Embassy, Paseo De Mexico, D.F., Mexico		
2 (BOE)	Boston, Massachusetts 02203 John Fitzgerald Kennedy Federal Bldg., Government Center	6 (MAJ)	Miami, Florida 33130 Room 1402 Federal Building 51 S.W. First Ave.	13 (SFR)	San Francisco, Calif. 94111 Appraisers Building 630 Sansome Street				
7 (BUF)	Buffalo, New York 14202 68 Court Street	21 (NEW)	Newark, New Jersey 07102 970 Broad Street	27 (SAJ)	San Juan, P.R. Pan Am Building 265 Ponce de Leon Corner Bohio St. Hato Rey, P.R. 00917	37 (RTT)	Roma, Italy U.S. Immigration and Naturalization Service c/o American Embassy APO New York, N.Y. 09794		
9 (CHI)	Chicago, Illinois 60604 Courthouse & Federal Office Bldg. 219 South Dearborn St.	28 (NOL)	New Orleans, Louisiana 70119 New Federal Building 701 Loyola Avenue						
OTHER OFFICES FROM WHICH INFORMATION CONCERNING IMMIGRATION AND NATURALIZATION SERVICE MATTERS MAY BE OBTAINED:									
	Agua, Guam 96910 U.S. Immigration and Naturalization Service		Hammond, Indiana 46320 411 Federal Building 507 State Street		Norfolk, Virginia 23510 428 Post Office Building		St. Louis, Missouri 63101 Room 423, U.S. Courthouse and Customs House, 1114 Market Street		
	Albany, New York 12201 Room 442, Post Office Bldg. P.O. Box 1519		Houston, Texas 77061 Federal Building U.S. Courthouse 615 Rush Avenue, P.O. Box 61650		Pittsburgh, Pennsylvania 15222 2130 Federal Building 1000 Liberty Avenue		San Luis Obispo, California 93401 Room 4103 Federal Building 126 South State Street		
	Cincinnati, Ohio 45201 U.S. Post Office and Courthouse P.O. Box 537		Memphis, Tennessee 38103 814 Federal Office Bldg. 167 North Main Street		Providence, Rhode Island 02903 Federal Building, U.S. Courthouse Exchange Place		San Diego, California 92104 2223 El Cajon Blvd.		
	Dallas, Texas 75201 608 Mayflower Bldg. 411 North Abard Street		Milwaukee, Wisconsin 53203 328 Federal Building 517 East Wisconsin Avenue		Reno, Nevada 89505 Federal Building, U.S. Courthouse Room 1010, 300 Booth Street		Spokane, Washington 99201 691 U.S. Courthouse Bldg.		

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

000 000-000

DEPARTMENT OF DEFENSE

DIRECTIVES SYSTEM TRANSMITTAL

106-1(151)
695-6384

NUMBER	DATE	DISTRIBUTION
2000.11 - Ch 1	May 17, 1973	2000 series

ATTACHMENTS - Pages 3&4 of basic Directive 2000.11, 3/3/72

INSTRUCTIONS FOR RECIPIENTS

The following page changes to DoD Directive 2000.11, "Procedures for Handling Requests for Political Asylum and Temporary Refuge," dated March 3, 1972 have been authorized:

PAGE CHANGES

Remove: Pages 3&4

Insert: Attached replacement pages

Changes appear on page 4 and are indicated by marginal asterisks.

EFFECTIVE DATE AND IMPLEMENTATION

These changes are effective immediately. Two copies of revised implementing regulations shall be forwarded to the Assistant Secretary of Defense (International Security Affairs) within 60 days.

Maurice W. Roche

MAURICE W. ROCHE

Director, Correspondence and Directives Division
OASD(Comptroller)

WHEN PRESCRIBED ACTION HAS BEEN TAKEN, THIS TRANSMITTAL SHOULD BE FILED WITH THE BASIC DOCUMENT

D FORM 106-1
1 MAR 62

PREVIOUS EDITIONS ARE OBSOLETE

March 3, 1972

2000.11

foreign country by nationals of a third state for political asylum in the United States are normally governed by the principle that the granting of political asylum is the right and responsibility of the government of the country in whose territory the request is made. Coordination with the host government concerning such requests will be effected through the appropriate American Embassy.

- B. Temporary Refuge. It is the policy of the United States to grant temporary refuge in a foreign country to nationals of that country and nationals of a third state, and on the high seas to the nationals of any country.

IV. PROCEDURES

DOD Components will handle requests from foreign nationals for political asylum or temporary refuge as follows:

- A. In territory under exclusive United States jurisdiction (including territorial seas, the Commonwealth of Puerto Rico, possessions, and territories under United States administration) and on the high seas:
1. General
 - a. An applicant for political asylum will be received in a Department of Defense facility or on board a military vessel.
 - b. A person seeking political asylum will be surrendered to foreign jurisdiction only at the personal direction of the Secretary of the Military Department or the Director of the Defense Agency concerned. In addition, persons seeking political asylum should be afforded every reasonable care and protection permitted by the circumstances.
 2. Reports
 - a. Immediately, upon receipt of a request from a foreign national for political asylum or an indication that a request is imminent, the DOD Component concerned will report the incident through appropriate channels by the fastest available means, as follows:

2000.11
Mar 3, 73#

- (1) To the Military Department concerned in accordance with internal instructions, or
- (2) To the Assistant Secretary of Defense (International Security Affairs) (ASD(ISA)) in accordance with Defense Agency instructions.

- * b. The Military Departments concerned, or the ASD (ISA) *
* will take immediate action to notify the Deputy *
* Director for Operations of the National Military *
* Command Center. *
- * c. The Deputy Director for Operations of the National *
* Military Command Center will take immediate action *
* to notify the Department of State Operations Center *
* and other interested principals/agencies within DOD. *
- * d. Telephone notification should be confirmed as soon *
* as possible with an IMMEDIATE precedence message *
* to the Military Department or the ASD (ISA) as *
* appropriate, with information copies to the Deputy *
* Director for Operations of the National Military *
* Command Center and to the Secretary of State. *
- e. Subsequently, the information specified in enclosure 2 will be forwarded in accordance with procedures prescribed.

3. Processing Requests

The United States Immigration and Naturalization Service (INS), Department of Justice, has primary responsibility for processing requests for political asylum within the United States, the Commonwealth of Puerto Rico and U.S. possessions.

- a. All requests for political asylum will be reported to the nearest field office of INS (see enclosure 3) including all details known.
- b. As soon thereafter as feasible, arrangements should be made with either the field officer or the INS Headquarters, if more convenient to transfer the asylum seeker to INS.

4. Protection

The DOD Component concerned will be responsible for the protection of the asylum seeker pending his transfer to INS subject to the following: